Filed 8/20/19 In re V.C. CA6

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

In re V.C. et al., Persons Coming Under the Juvenile Court Law.	H046214 (Santa Clara County Super. Ct. Nos. 16-JD023956, 16-JD023957, 16-JD023968)
SANTA CLARA COUNTY DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES, Plaintiff and Respondent, v. L.B., Defendant and Appellant.	

Appellant L.B. seeks review of an order terminating her parental rights to her three children under Welfare and Institutions Code section 366.26.[1] On appeal, she contends that the court denied her due process by (1) failing to state clearly that the section 366.26 hearing (.26 hearing) would follow immediately after the trial on her petition for modification under section 388 and (2) refusing to set the .26 hearing for a future date. Appellant further argues that the court abused its discretion by failing to apply the beneficial parent-child relationship exception to termination of parental rights under

[1] All further statutory references are to the Welfare and Institutions Code except where otherwise indicated.

section 366.26, subdivision (c)(1)(B)(i). We find no prejudicial error on this record and therefore must affirm the order.

Background

The Department of Family and Children's Services (DFCS or the Department) initiated dependency proceedings in a petition filed June 23, 2016. Four-year-old V. had been found wandering alone under a bridge near a homeless encampment, and her 14-month-old brother, T., was alone in his crib in the family's RV. In the ensuing dependency petition under section 300, subdivisions (b)(1) and (c), the Department alleged that both parents abused drugs, exposed the children to domestic violence, and left the children alone or with the maternal grandmother, who also had a history of illegal drug abuse. In addition, the father was alleged to have untreated PTSD and borderline personality disorder. Four prior referrals had been made to DFCS, and the parents had received eight months of informal supervision because of the unsanitary and hazardous living conditions in the home. Although they were referred for parenting education and for services to address substance abuse, mental health, and domestic violence, they had not participated in them during the supervision period. Appellant had left the children alone before, causing V. to leave her brother to look for her mother. V. said that she would get "scared" when her parents argued, and the maternal grandmother confirmed that the parents argued frequently. The grandmother herself submitted to a drug test, which was positive for methamphetamine and amphetamine.

In June 2016, two days after V. and T. were taken into protective custody, appellant's third child, L., was born. She was taken into protective custody the next day, because appellant had tampered with the hospital ankle monitor and had expressed a plan to take the baby out of the hospital prior to discharge and against medical advice. The Department filed a petition identical to those of L.'s siblings on June 27, 2016.

All three children were thus the subject of a combined jurisdictional and disposition hearing on July 25, 2016. The juvenile court sustained the petitions and

ordered family reunification services, including a 16-week "Parenting Without Violence" class, counseling or psychotherapy, and substance abuse treatment and testing. The children had already been placed with their maternal aunt.[2]

Appellant did not consistently follow through with her case plan in the first three months of the reunification period. However, by the six-month review in January 2017, the social worker reported that appellant and the father were more actively participating in the case plan. The children were doing well in the home of the maternal aunt. The father had declined inpatient drug treatment but was attending an outpatient program as well as a parenting class. He had not yet addressed the topics to be addressed in therapy and had been inconsistent in his attendance in a domestic violence program. Appellant, however, had been attending a substance abuse treatment program and had tested negative for drugs on eight occasions between early November and late December 2016. She had also begun classes to address domestic violence, and she told the social worker that she had met with her psychotherapist. Both parents had been more consistent and on time for their supervised visits, which were going well, but T. had been suffering from nightmares on the days he visited with the parents. The parents had begun to transition to unsupervised visits by the time of the social worker's January 2017 report, but overnight visits were delayed by positive drug tests for marijuana up to the end of October 2016.

Nevertheless, as both parents appeared to be engaged in services, the social worker believed that there was a substantial probability that all three children would be returned to parental custody within six months. Consistent with that prediction, the Department

[2] The maternal aunt later explained that she had moved to Santa Clara County from Los Angeles County on June 21, 2016, after hearing that V. and T. had been removed from parental custody. V. and T. were initially placed in foster care, but a few days later V. ran away from the foster home, and they were immediately placed with the maternal aunt. On July 11 or 13, 2016, while pregnant with her own child, the maternal aunt agreed to have L. placed with her as well.

recommended return of the children at the 12-month review hearing in August 2017 under continued supervision. The court followed that recommendation.

However, on October 6, 2017, the Morgan Hill police took the children into protective custody, and DFCS filed supplemental petitions under section 387. The father had been arrested for driving with a suspended license, being under the influence of a controlled substance, and child endangerment. Appellant was also arrested for child endangerment. The three children had been riding unsecured in the family car, inside of which were beer cans and the smell of mold, trash, rotting food, and vomit. In addition, the father had tested positive for alcohol on September 21 and missed two tests on September 28 and 29. He did not believe that his 40-ounce daily consumption of beer constituted a drinking problem or that he had been driving under the influence on October 5. Appellant professed to being unaware that the father was drinking every day.

On October 22, 2017, appellant and the father had an argument in which he pushed her, kicked her in the stomach, and struck her in the face, causing a bloody nose. Appellant threw a brick at him as he tried to leave the scene. The father was arrested for violating Penal Code section 273.5, subdivision (f).

In its report for the second jurisdictional and disposition hearing, the Department expressed the view that the children would not be safe if returned to the parents. On November 30, 2017, the court sustained the supplemental petitions as amended, finding jurisdiction and ordering services pending an 18-month review hearing. The children were again placed in the care of the maternal aunt.

The 18-month hearing took place on March 12, 2018. Although the father claimed that he was living in a tent, he appeared to be living with appellant. His visits with the children had been discontinued due to excessive "no shows," and he had not been participating in services or staying in contact with the social worker. Appellant had insisted that since the children were not living with her, she was permitted to have " 'peaceful contact' " with the father. She told the social worker that if he did not respect

her boundaries, she would call his probation officer, and if she felt unsafe with him, she would call "the authorities." By February of 2018 her continued contact with the father was a risk to her, and she lacked "the accountability and insight of [*sic*] how her behaviors have also put the children at risk." However, she had been complying with her case plan, and her drug tests had been negative. There was a plan to transition visits to "semi-monitored," and she hoped to secure new housing. Her ability to manage and supervise the children in visits had improved during visits, though V. had stated that sometimes she did not want to see her mother. Appellant's therapist had reported that appellant's attendance in therapy had improved; but she needed additional sessions to adequately manage her emotional symptoms and address the cycle of domestic violence.

The social worker summarized her opinion by stating that although appellant appeared to be "moving forward in the right direction of becoming independent and empowered by setting boundaries with the father, increasing her support system and by staying connected to counseling . . . this behavior is very recent and the Department has exhausted the time for which Family Reunification Services can be provided." Accordingly, the Department recommended terminating services for both parents.

At the conclusion of the 18-month review hearing, the court terminated reunification services for the parents and scheduled a .26 hearing for July 6, 2018. On June 28, 2018, however, appellant filed a request to change that order and return the children to her care on a plan of family maintenance. Her attorney stated that she was living independently and working to support herself. She had safety measures in place at her home and had obtained a vehicle equipped with proper child restraints. Since the last hearing she had attended domestic violence support groups, codependency classes, and 12-step meetings. She had also made "positive changes" in understanding the cycle of domestic violence, had consistently tested negative for drugs, and had met her therapeutic goals. Her criminal case for child endangerment had been dropped and replaced with a "general accessory charge" and probation.

The maternal aunt, having been granted de facto parent status, opposed the petition. She pointed out that the children, now six, three, and two, had been in her care for most of the past two years. And since appellant's visits were changed from fully supervised to "monitored" ones, V. had begun exhibiting anxiety. The maternal aunt affirmed a strong emotional and psychological bond between her and the children, which supported a finding that a change in their placement would be contrary to the children's best interests. She expressed the desire to adopt the children "while also allowing [them] to continue visiting with their parents so long as boundaries are maintained and the children feel safe and protected."

The Department also opposed appellant's petition. The social worker reported that the children were thriving in the "stable and nurturing" home of their maternal aunt, who was "committed to the adoption process and its long-term responsibilities." In the Department's view, the children "deserve stability and permanency and their current caregiver is willing and able to provide this for them."

The court ordered a hearing to take place on July 6, 2018— the same date as the .26 hearing— to determine "whether the court should grant or deny an evidentiary hearing." It is on that date that the issues presented on appeal arose.

At the July 6 hearing both appellant and her attorney were present. The minors' counsel asked for a continuance to enable her to determine her position on the section 388 petition. The court queried whether "this is a case that is sort of inevitably going to be set for [a] contested hearing. [¶] Rather than come back and set it, if we should maybe set one out now, order discovery and everybody can come with their respective positions." County counsel asked for clarification: "Are we talking about setting both the 366.26 hearing and JV-180 petition?" The court answered, "I think we would have to. We have to hear the 388 first and see what happens." Appellant's attorney then said, "So, I would ask that the 366.26 hearing trail . . . in any case, of the 388 petition outcome. [¶] And secondly, perhaps it would be best to set this out for an ERC in two to

three weeks so minors' counsel can solidify their position and then choose trial dates and . . . set the case for once and for all." Appellant's attorney suggested that the trial would "need to be [set] out quite a ways," but the judge disagreed, as he believed he could give the parties a "fairly quick trial," though it understood "the strategic advantage of [appellant's counsel] wanting to put it out a ways." The court ordered a trial-setting hearing to take place on July 30, with discovery to be completed by July 20. The court explained that the parties could settle at that time, "whatever you want out of it. But ultimately, if there is not a resolution that day, we will set it for trial."

At that July 30 hearing to set appellant's petition for trial, all counsel agreed that it would take place on the morning of August 24; mother's counsel indicated that he would try to keep it to half a day. The court found that notice was proper and ordered the parents to be present on August 24. County counsel then noted that "we're trailing a .26 hearing"; she therefore asked the court to find that "notice is proper to today's date, and then have the parents ordered back for the next trial, which I assume the .26 would be trailing." The court invited all counsel to be heard on that request; it then found that notice was proper and ordered both parents to be present on August 24.

When the parties and counsel appeared on August 24, 2018, the court said, "I think we should do the 388 petition first." Mother testified, as did the social worker and the "parent partner" who had worked with mother. When no one had further evidence to present on the section 388 petition, the court heard argument and then denied the petition, finding no "persuasive showing of a change of circumstances." Appellant's continued contact with the father— including 75 telephone calls— "completely undermine[d] mother's credibility."[3] "Mom may think that she's somehow set boundaries with dad, but

[3] The social worker testified that despite appellant's denials that she and the father were in contact, there were telephone records of more than 70 conversations between them while he was in jail. The phone calls had occurred on almost a daily basis, and sometimes there were multiple calls in a day.

she hasn't, realistically. I think she thinks dad really isn't a risk. And so I think return to mom, at this point, would be detrimental; because she really hasn't persuasively shown us that she can really create and enforce safe boundaries" with him. At this two-year point, the children had been with their aunt for all but two months. The court thus found, "partly because of the stability and permanency that's needed," that it was not in the best interests of the children to return them to mother's care.

After denying the section 388 petition the court stated, "All right. Let's move on to the .26 hearing," and it invited the parties to present evidence on that question. Mother's attorney then said, "I'm sorry, Your Honor. I need to interrupt. I was not—and I do apologize— prepared to have a trial on the .26 hearing today. And I'm not sure what the record reflects. But we filed a 388 petition. That was set for trial. I understood the .26 was going to trail. But I am not ready to do a trial today on a .26." The court responded that it had invariably followed the denial of a section 388 petition with the section .26 hearing on the same day; and it noted that it had "announced, at the time, that we were going to try these cases." Counsel apologized, but explained that he was not ready, having not even responded to the ".26 report itself." His understanding was that the ".26 trial" would be held "subsequently." He "might want" to ask for a bonding study and to have other witnesses called. But the court set the matter for that afternoon, commenting that it "wouldn't grant you a bonding study now anyway."

When the proceeding resumed for evidence on permanency planning, appellant testified about her visits with the children over the course of the dependency. The social worker was then questioned by appellant's attorney regarding appellant's concerns with the caregiver aunt's care and discipline of the children. The social worker herself had no concerns about the care they were receiving, and she believed that all three continued to be adoptable. The caregiver was still committed to adopting the children, and she continued to be an appropriate adoptive parent for them.

The Department urged the court to find that adoption was the most appropriate permanent plan and that there would be no detriment to the children in terminating parental rights. The benefits of adoption, county counsel argued, "which include stability and permanency for these children," outweighed any continuation of the parent-child relationship. The minors' attorney concurred. Appellant's attorney, however, emphasized the bond between appellant and the children. Appellant understood the need for permanency, he said, but she believed that it would be detrimental to the children to terminate her parental rights. Counsel therefore urged the court to retain jurisdiction so that services could continue for the children and appellant could continue to have contact with them.[4]

The court noted that these were "always very difficult decisions . . . for the court." It was clear that the children loved and were loved by their parents, but the evidence did not show that the bond between them was "so strong or profound" that it would be detrimental to their interests to terminate parental rights, and it was outweighed by the need for stability and permanency. The court thus expressly found by clear and convincing evidence that all three children were likely to be adopted and declared adoption as the permanent plan. This timely appeal followed.

Discussion

Appellant contends that the juvenile court violated her due process right to notice of the .26 hearing and prejudicially erred by refusing to set the hearing on another day, thereby compromising her attorney's ability to demonstrate the applicability of the beneficial parent-child-relationship exception to termination of parental rights. Appellant

[4] The father's attorney advocated a plan of legal guardianship with the caregiver; he "fully support[ed] the mother in her quest to continue to be in their lives. And obviously, that would have an impact on him as well." The father is not a party on appeal.

further asserts error in terminating her parental rights in light of the bond she had with the children and the harm they would suffer by the court's severing that relationship.

1. Notice of the .26 Hearing

Appellant first contends that she was deprived of due process when the court inadequately explained to her attorney that if it denied appellant's section 388 petition on August 24, 2018, the .26 hearing would follow immediately thereafter. She further asserts that to the extent that her request for a later date is regarded as a request for a continuance, the court abused its discretion in denying that request.

It is undisputed that "[s]ince the interest of a parent in the companionship, care, custody, and management of his children is a compelling one, ranked among the most basic of civil rights [citations], the state, before depriving a parent of this interest, must afford him adequate notice and an opportunity to be heard." (*In re B.G.* (1974) 11 Cal.3d 679, 688-689.) Those due process rights have "little, if any, value unless the parent is advised of the *nature* of the hearing giving rise to that opportunity, including what will be decided therein. Only with adequate advisement can one choose to appear or not, to prepare or not, and to defend or not." (*In re Stacy T.* (1997) 52 Cal.App.4th 1415, 1424.)

Here the transcripts of the July 6 and July 30, 2018 hearings indicate that the parties and the court contemplated that the .26 hearing would "trail" the section 388 disposition if appellant's petition were denied.[5] The clerk's minutes of the July 30 hearing note that the next hearing on August 24 was to be "Contested Hearing re: 388 Petition - 366.26 Trailing." It is apparent that appellant's attorney understood "trail" to mean "occur on a later date" rather than "follow immediately."

[5] As early as March of 2018 appellant was served with "Notice of Hearing on Selection of a Permanent Plan," to take place on July 6, 2018. That hearing was continued in light of appellant's section 388 petition.

Even assuming that infringement of appellant's due process rights occurred by the lack of clarity in—and counsel's concomitant misunderstanding of— the intended "trailing" of the .26 hearing, we cannot agree that reversal is necessarily warranted. "If the outcome of a proceeding has not been affected, denial of a right to notice and a hearing may be deemed harmless and reversal is not required." (*In re James F*. (2008) 42 Cal.4th 901, 918.) "The harmless error analysis applies in juvenile dependency proceedings even where the error is of constitutional dimension." (*In re J.P*. (2017) 15 Cal.App.5th 789, 798.) A "[p]articularized analysis" of prejudice is required, involving a balancing of the parents' and children's interests and a determination of the effect of the error on the children's best interest, including their interest in having a placement that is stable and permanent. (*Id*. at p. 799.) Consequently, reversal is required only if it is "reasonably probable [that] the result would have been more favorable to the appealing party but for the error." (*In re Celine R*. (2003) 31 Cal.4th 45, 60 (*Celine R*.).)

Appellant has not challenged the court's denial of her section 388 petition to change the order terminating her reunification services. In that ruling the court found that appellant had not made a credible showing that justified return of the children and reinstatement of services. Her continued contact with the father convinced the court that she did not have the ability to set the boundaries she claimed, and it was not in the children's best interests to return them to appellant. After most of two years with their relative caretaker, the court noted, they needed stability and permanency. In view of the court's emphatic focus on these critical legislative and judicial priorities, we can find no reasonable probability that the court would have chosen a different permanent plan for the minors had it postponed the .26 hearing. (Cf. *Celine R., supra*, 31 Cal.4th at p. 61 [failure to appoint separate counsel for siblings harmless where the juvenile court would not have chosen a different permanent plan for younger siblings, as sibling bond did not outweigh their need for a permanent home through adoption].)

Appellant protests that she did incur prejudice because her attorney was not afforded an opportunity to obtain a bonding study and call witnesses to support her "legitimate argument" that the parent-child relationship exception applied here. But the court made it clear that it would not have granted leave to obtain a bonding study. That decision was a matter within the court's discretion; and in these circumstances, where a permanent plan of adoption was contemplated, we see no abuse of that discretion. Appellant makes no showing that additional evidence would have convinced the judge that the bond between her and the children was strong enough to outweigh these young children's need for a permanent, stable adoptive home. As it is not reasonably likely that the court would have found the statutory exception applicable, any error in conveying the urgency of the .26 hearing does not compel reversal.

2. Termination of Parental Rights

At the .26 hearing appellant's counsel acknowledged that after 18 months of services, appellant "ran out of time" to overcome the issues that had kept the minors out of her custody. Reunification services were properly terminated, and appellant has not sought review of that ruling. (§ 366.22, subd. (a).) Appellant thereafter failed in her section 388 petition to show that it was in the children's best interest to return them to her, based on the "substantive progress" she had made since the 18-month hearing. She then had to demonstrate at the .26 hearing that the bond between her and the children was so strong as to overcome the statutory preference for adoption as the permanent plan. Appellant contends that termination of her parental rights was error because the children had "a significant and positive attachment" to her and the testimony indicated that they derived a benefit from their relationship. In her view, she fulfilled a parental role to the children, "which—if ended—would harm them." The juvenile court properly found otherwise.

In considering the selection of a permanent plan pursuant to section 366.26, the juvenile court has limited choices. Unless a statutory exception applies, the court is

required to terminate parental rights and order the dependent child placed for adoption once it determines by clear and convincing evidence that it is likely that the child will be adopted. (§ 366.26, subd. (c)(1).) "The Legislature has thus determined that, where possible, adoption is the first choice." (*Celine R., supra,* 31 Cal.4th at p. 53.) "A child has a compelling right to a stable, permanent placement that allows a caretaker to make a full emotional commitment to the child. [Citation.] Courts should strive to give the child this stable, permanent placement, and this full emotional commitment, as promptly as reasonably possible consistent with protecting the parties' rights and making a reasoned decision." (*Id*. at p. 59.) Accordingly, "the court must order adoption and its necessary consequence, termination of parental rights, unless one of the specified circumstances provides a compelling reason for finding that termination of parental rights would be detrimental to the child. The specified statutory circumstances—actually, *exceptions* to the general rule that the court must choose adoption where possible—'must be considered in view of the legislative preference for adoption when reunification efforts have failed.' [Citation.] At this stage of the dependency proceedings, 'it becomes inimical to the interests of the minor to heavily burden efforts to place the child in a permanent alternative home.' [Citation.] The statutory exceptions merely permit the court, in *exceptional circumstances* [citation], to choose an option other than the norm, which remains adoption." (*Id*. at p. 53.)

In this case, appellant has invoked the exception for the beneficial parent-child relationship set forth in section 366.26, subdivision (c)(1)(B)(i). Under that provision the court may forgo termination of parental rights if it "finds a compelling reason for determining that termination would be detrimental to the child" because "[t]he parents have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship." The element of benefit from continuing the relationship "means that 'the relationship promotes the well-being of the child to such a degree as to outweigh the well-being the child would gain in a permanent home

with . . . adoptive parents.' (*In re Autumn H*[. (1994)] 27 Cal.App.4th [567,] 575.) The juvenile court 'balances the strength and quality of the natural parent/child relationship in a tenuous placement against the security and the sense of belonging [an adoptive] family would confer.' (*Ibid*.) 'If severing the natural parent/child relationship would deprive the child of a substantial, positive emotional attachment such that the child would be greatly harmed, the preference for adoption is overcome and the natural parent's rights are not terminated.' (*Ibid*.)" (*In re C.B*. (2010) 190 Cal.App.4th 102, 124 (*C.B*.); accord, *In re Breanna S*. (2017) 8 Cal.App.5th 636, 646 (*Breanna S*.).)

The exception, however, "does not permit a parent who has failed to reunify with an adoptable child to derail an adoption merely by showing the child would derive *some* benefit from continuing a relationship maintained during periods of visitation with the parent." (*In re Jasmine D*. (2000) 78 Cal.App.4th 1339, 1348 (*Jasmine D*.), italics added; *Breanna S., supra*, 8 Cal.App.5th at p. 646.) "A child who has been adjudged a dependent of the juvenile court should not be deprived of an adoptive parent when the natural parent has maintained a relationship that may be beneficial to some degree, but that does not meet the child's need for a parent." (*In re Angel B*. (2002) 97 Cal.App.4th 454, 466 (*Angel B*.).) "Because a section 366.26 hearing occurs only after the court has repeatedly found the parent unable to meet the child's needs, it is only in an extraordinary case that preservation of the parent's rights will prevail over the Legislature's preference for adoptive placement." (*Jasmine D., supra*, at p. 1350.)

It was appellant's burden to establish the applicability of the beneficial parent-child relationship exception. (*In re Mary G*. (2007) 151 Cal.App.4th 184, 207; *In re Bailey J*. (2010) 189 Cal.App.4th 1308, 1314 (*Bailey J*.).) "To overcome the preference for adoption and avoid termination of the natural parent's rights, the parent must show that severing the natural parent-child relationship would deprive the child of a *substantial*, positive emotional attachment such that the child would be *greatly* harmed."

(*Angel B.*, *supra*, 97 Cal.App.4th at p. 466; *In re Autumn H.*, *supra*, 27 Cal.App.4th at p. 575 (*Autumn H.*).) "To meet the burden of proving the . . . exception the parent must show more than frequent and loving contact, an emotional bond with the child, or pleasant visits—the parent must show that he or she occupies a parental role in the life of the child." (*In re I.W.* (2009) 180 Cal.App.4th 1517, 1527 (*I.W.*).) (*Autumn H., supra,* at p. 575.) Though the analysis must occur on a case-by-case basis with many variables taken into account, the court should consider such factors as "the age of the child, the portion of the child's life spent in the parent's custody, the 'positive' or 'negative' effect of interaction between parent and child, and the child's particular needs." (*Autumn H., supra,* at p. 576.)

On appeal from an order terminating parental rights following the court's determination that the beneficial parent-child relationship exception does not apply, it is often said that we review the juvenile court's findings of fact under a substantial evidence standard and its discretionary decision regarding the existence of a compelling reason under an abuse of discretion standard. (*Bailey J.*, *supra*, 189 Cal.App.4th at pp. 1314-1315; see *In re K.P.* (2012) 203 Cal.App.4th 614, 621-622; *C.B., supra,* 190 Cal.App.4th at p. 123.) However, when a parent has failed to meet the burden to show a beneficial relationship, "the question for a reviewing court becomes whether the evidence compels a finding in favor of the appellant as a matter of law. [Citations.] Specifically, the question becomes whether the [parent's] evidence was (1) 'uncontradicted and unimpeached' and (2) 'of such a character and weight as to leave no room for a judicial determination that it was insufficient to support a finding.' [Citation.]" (*I.W., supra,* 180 Cal.App.4th at p. 1528.) Thus, "[u]nless the undisputed facts established the existence of a beneficial parental or sibling relationship, a substantial evidence challenge to this component of the juvenile court's determination cannot succeed." (*Bailey J., supra,* at p. 1314.)

The second threshold question—whether a beneficial parent-child relationship compels the conclusion that terminating parental rights would be detrimental to the child—is "a 'quintessentially' discretionary decision, which calls for the juvenile court to determine the *importance* of the relationship in terms of the detrimental impact that its severance can be expected to have on the child and to weigh that against the benefit to the child of adoption." (*Bailey J.*, *supra*, 189 Cal.App.4th at p. 1315; *Jasmine D.*, *supra*, 78 Cal.App.4th at p. 1351.) " ' ["]The appropriate test for abuse of discretion is whether the trial court exceeded the bounds of reason. When two or more inferences can reasonably be deduced from the facts, the reviewing court has no authority to substitute its decision for that of the trial court." ' [Citation.]" (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318-319.)

Appellant has not met her burden to establish either of these aspects of the exception to adoption. The court found it "clear" that there was love and affection between the children and their parents. The social worker reported that the children often appeared to be excited when they saw their mother at the beginning of visits and often appeared to enjoy the activities during the visits. But the court also found no evidence that the bond was so strong that terminating parental rights would "deprive the child[ren] of a *substantial*, positive emotional attachment" and thus be detrimental to the children or against their best interests. (*Angel B.*, *supra*, 97 Cal.App.4th at p. 466.) Appellant has not shown that the evidence compels a contrary finding as a matter of law (*I.W.*, *supra*, 180 Cal.App.4th at p. 1528)—or even that there is no substantial evidence supporting the court's finding on this factual issue.

Nor can we find abuse of discretion in the court's determination that severing the parental relationship with their mother would not have a detrimental impact that outweighed the benefits of adoption by their maternal aunt. (*Bailey J.*, *supra*, 189 Cal.App.4th at p. 1315.) The minors were "well attached" to their caretaker aunt, about whom the social worker had no concerns and who was meeting their needs. The court

did not err in according priority to the important objectives of permanency and stability for these young children and by finding no compelling reason for rejecting adoption as the permanent plan.

Disposition

The order is affirmed.

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ELIA, J.

WE CONCUR:

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GREENWOOD, P. J.

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PREMO, J.

In re V.C., et al.; *DFCS v. L.B.*
H046214